

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

OWNER-OPERATOR INDEPENDANT
DRIVERS ASSOCIATION, INC., JOSEPH
RAJKOVACZ, and CARL SCHAEFER,

Civil No. 05-2809 (JRT/JJG)

Plaintiffs,

v.

ORDER

SUPERVALU, INC.,

Defendant.

Andrew J. Morrison, **KOLL MORRISON CHARPENTIER & HAGSTROM**, 332 Minnesota Street, Suite W-1430 St Paul, MN 55101; Paul D. Cullen, Sr. and Randall Herrick-Stare, **THE CULLEN LAW FIRM, PLLC**, 1101 30th Street NW, Suite 300 Washington, DC 20007; for plaintiffs.

Gabrielle D. Mead, Steven J. Wells, Michael Iwan, and Steven J. McLaird, **DORSEY & WHITNEY LLP**, 50 South Sixth Street, Suite 1500, Minneapolis, MN 55402 for defendants.

Based upon the Report and Recommendation by United States Magistrate Judge Jeanne J. Graham dated February 16, 2007; all the files, records, and proceedings herein; and no objections having been filed to that Report and Recommendation; **IT IS HEREBY ORDERED** that Plaintiffs' Motion to Strike Defendant's Eighth Defense [Docket No. 19] is **DENIED**.

DATED: March 20, 2007
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge